

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
**GREAT WHITE BEAR, LLC**

**Plaintiff,**

**-against -**

**MERVYNS, LLC,**

**Defendant.**  
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**06 Civ. 13358 (RMB)(FM)**

**NOTICE OF CROSS-MOTION**

**PLEASE TAKE NOTICE** that upon: (i) the Declaration of Philip A. Byler, Esq. dated March 1, 2007, with exhibits, (ii) the Declaration of Danny Fodiman, dated February 27, 2007, with exhibit, (iii) Plaintiff Great White Bear, LLC's Memorandum of Law In Opposition To Defendant Mervyns's Motion For Judgment On The Pleadings And In Support of Plaintiff Great White Bear's Cross-Motion To Amend, and (iv) all prior proceedings had herein, Plaintiff Great White Bear LLC, through counsel, will move this Court, the Honorable Richard M. Berman, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and time to be determined by the Court, for an Order granting leave to Plaintiff Great White Bear LLC to file the proposed Second Amended Complaint pursuant to Rule 15(a) of the Federal Rules of Civil Procedure.

**Dated: New York, New York  
March 1, 2007**

**NESENOFF & MILTENBERG, LLP  
Attorneys for Plaintiff Great White Bear, LLC**

By:  **/s/ Philip A. Byler, Esq.**  
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